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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,116	05/16/2005	Mark Gilmore Mears	PU020461	3617
24498	7590	03/03/2009		
Robert D. Shedd			EXAMINER	
Thomson Licensing LLC			ANDRAMUNO, FRANKLIN S	
PO Box 5312			ART UNIT	
PRINCETON, NJ 08543-5312			PAPER NUMBER	
			2424	
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			03/03/2009	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,116

Applicant(s)

MEARS ET AL.

Examiner

FRANKLIN S. ANDRAMUNO

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/28/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/28/09 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fesler et al (US 5,917,887) in view of Ganzer et al (US Patent 5,121,430) in view of Burke et al (US 4,636,791). Hereinafter referred as Fesler, Ganzer, and Burke.

Regarding claims 1, 10, and 19, Fesler discloses an apparatus and method having an emergency alert function (**column 3 lines 4-10**), comprising: tuning means for tuning signals including emergency alert signals associated with said emergency alert function (**column 2 lines 36-45**)

However, Fesler fails to disclose the use of enabling a disabled apparatus. Ganzer discloses **(column 11 lines 3-11)** the slave unit (85) may output control signals to control the functioning of accessory devices (96) in response to an emergency.

Therefore, it would have been obvious at the time of the invention to include the use of enabling a disabled apparatus. This is a useful combination because the self-testing determines the reliability of the emergency response.

However, Fesler and Ganzer fail to disclose and interface means for disabling an audio output device associated with said apparatus. Burke discloses on **(column 9 lines 41-48)** the audio muting relay (132) is utilized to perform conventional audio muting. Burke also teaches processing means for enabling a disabled user setting for an auxiliary information display function of said apparatus responsive to said emergency alert signals **(column 18 lines 2-7)**.

Therefore, it would have been obvious at the time of the invention to include the use of a control function to control devices triggered by an emergency unit. This is a useful combination because it allows devices to be turned on or off in case of an emergency.

Regarding claims 2, 11, and 20, Ganzer discloses the apparatus and method of claims 1, 10, and 19, wherein said disabled audio output device includes an internal speaker of said apparatus **(Speaker (71) in figure 3)**.

Regarding claims 3, 12, and 21, Ganzer discloses the apparatus and method of claims 1, 10, and 19, wherein said disabled audio output device is operatively connected to an audio output terminal of said apparatus **(Audio Toggle (69) in figure 3)**.

Regarding claims 4, 13, and 22, Ganzer discloses the apparatus and method of claims 1, 10, and 19, wherein said processing means further enables a first alert output via said audio output device responsive to activation of said emergency alert function **(Alternative Broadcast Signal Input Circuitry (53) in figure 3)**.

Regarding claims 5, 14, and 23, Ganzer discloses the apparatus and method of claims 4, 13, and 22, wherein said processing means further enables a second alert output via a secondary device responsive to activation of said emergency alert function **(User Set Alternative Alert Select (58) in figure 3)**.

Regarding claims 6, 15, and 24, Ganzer discloses the apparatus and method of claims 5, 14, and 23, wherein said secondary device includes a telephone **(column 3 lines 21)**.

Regarding claims 7, 16, and 25, Ganzer discloses the apparatus and method of claims 5, 14, and 23, wherein said secondary device includes a computer **(Alert Computer (11) in figure 2)**.

Regarding claims 8, 17, and 26, Fesler discloses the apparatus and method of claims 5, 14, and 23, wherein said secondary device includes a television signal receiver **(LCD display (45) in figure 2)**.

Regarding claims 9, 18, and 27, Ganzer discloses the apparatus and method of claims 5, 14, and 23, wherein said secondary device includes a visual output device (**Alarm (6) in figure 1**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/

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Supervisory Patent Examiner, Art
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